

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 6/25/2021

THIS IS A DRAFT DOCUMENT THAT HAS NOT BEEN APPROVED BY THE BOARD

BOARD MEMBERS PRESENT: Craig J Manning, D.C. - Chair
Cathy Hart
Lynn A Hansen, D.C.
Shannon Gaertner-Ewing, D.C.

DIVISION STAFF: Russell Barron, Division Administrator
Anne Lawler, Bureau Chief
Julie Eavenson, Licensing Group Manager
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Janett Scott, Financial Technician
Cesley Metcalfe, Team Lead
Allegra Earl, Board Specialist

OTHERS PRESENT: Yvonne Dunbar, Board of Medicine

The meeting was called to order at 8:11 AM MDT by Division staff.

ELECTIONS

Dr. Hansen nominated Dr. Manning as the Board chair. The nomination was seconded by Dr. Manning. Motion carried.

Mr. Barron explained that the reorganization of the Division will include a Board support team that will work with the Board chair and legal counsel to draft the meeting agendas.

NEXT MEETING was scheduled for September 24, 2021 at 8:00 AM MDT.

INTRODUCTIONS

Ms. Lawler introduced herself to the Board as the new Bureau chief for the Occupational section of the Division.

APPROVAL OF MINUTES

Dr. Hansen made a motion to approve the minutes of 12/11/2020, 2/23/2021, 3/26/2021, and 4/14/2021. It was seconded by Dr. Gaertner-Ewing. Motion carried.

FINANCIAL REPORT

Ms. Eavenson introduced financial specialist Janett Scott to the Board and then gave the financial report, which indicated that the Board had a cash balance of \$16.62 as of 5/31/2021.

DISCUSSION ON NALOXONE

Medical Sections Chief, Nicki Chopski, gave a presentation regarding the legislative history that provided for any health professional licensed or registered under Title 54 to independently prescribe and dispense an opioid antagonist to certain persons as outlined in Idaho Code 54-1733b. She explained that the current 2021 legislature passed, and the Governor signed, a bill to streamline language for a health professional to use their professional judgement to prescribe an opioid antagonist to “any person or entity”.

Following discussion from the Board, Ms. Chopski stated that information about the prescriptive authority for licensed chiropractors will be added to the Board of Pharmacy newsletter and continuing education presentations.

Mr. Crema stated that he will add the information about Naloxone to a letter that is being drafted for distribution to Idaho pharmacies regarding the prescriptive authority of licensed chiropractors.

CONFERENCE UPDATES

Dr. Gaertner-Ewing provided an update from the Federation of Chiropractic Licensing Boards (FCLB) annual meeting. She stated that multiple states expressed concern regarding the new definition of chiropractic practice that was adopted by the FCLB. A new committee was formed that will focus on updating publications to reflect scope of practice information from all 50 states.

Dr. Hansen stated that he will contact other state chiropractic boards to discuss how they feel about FCLB membership.

The Board chair directed Division staff to add a discussion regarding FCLB membership to the next meeting agenda.

APPLICATION REVIEW PROCESS

The Board discussed the current process to review endorsement applications between meetings. Dr. Hansen made a motion to authorize the Board chair to review

and approve endorsement applications and named Dr. Gaertner-Ewing as a back-up. It was seconded by Ms. Hart. Motion carried.

EXECUTIVE SESSION

Ms. Hart made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Hansen. The vote was: Dr. Manning, aye; Ms. Hart, aye; Dr. Hansen, aye; and Dr. Gaertner-Ewing, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to approve the following pending receipt of proof of passing Part II of the National Board examination:

901180913

It was seconded by Ms. Hart. Motion carried.

Dr. Gaertner-Ewing made a motion to deny the following based on Administrative Rule 24.03.01.100.01.b.iii for failure to demonstrate five years of consecutive practice immediately prior to application:

JOHN BAPTIST CONCA

It was seconded by Dr. Hansen. Motion carried.

COMPLAINT MEMORANDUM

Ms. Peel gave the investigative report, which is linked above.

EXECUTIVE SESSION

Dr. Hansen made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Ms. Hart. The vote was: Dr. Manning, aye; Ms. Hart, aye; Dr. Hansen, aye; and Dr. Gaertner-Ewing, aye. Motion carried.

Ms. Hart made a motion to come out of executive session. It was seconded by Dr. Hansen. Motion carried.

DISCIPLINE

Dr. Hansen made a motion to close case number CHI-2021-3. It was seconded by Dr. Gaertner-Ewing. Ms. Hart voted nay. Motion carried.

Dr. Gaertner-Ewing made a motion to approve the Consent Order in case number CHI-2021-2 and allow the Board chair to sign on behalf of the Board. It was seconded by Ms. Hart. Motion carried.

EXECUTIVE SESSION

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Idaho Code § 74-206(1)(f) to discuss pending or imminent litigation with legal counsel. It was seconded by Dr. Hansen. The vote was: Dr. Manning, aye; Ms. Hart, aye; Dr. Hansen, aye; and Dr. Gaertner-Ewing, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from Dr. Jeremy Payne requesting a waiver for the application and license fees to reapply for an expired clinical nutrition certification. Dr. Gaertner-Ewing made a motion directing Division staff to send a letter denying the fee waiver request. It was seconded by Ms. Hart. Dr. Hansen voted nay. Motion carried.

ADJOURNMENT

Ms. Hart made a motion to adjourn the meeting at 11:12 AM MDT. It was seconded by Dr. Gaertner-Ewing. Motion carried.

Craig J Manning, D.C., Chair